APPENDIX

Burns' Indiana Statutes Ann. 1933, Sec. 2-1068 (Acts 1881 (Spec. Sess.), Ch. 38, Sec. 135, p. 240; 1921, Ch. 115, Sec. 1, p. 277), so far as material here, is as follows:

> "The court shall relieve a party from a judgment taken against him through his mistake, inadvertence, surprise, or excusable neglect*, on complaint filed and notice issued, as in an original action, within two (2) years from and after the date of the judgment."

* The term "excusable neglect" as used in the statute is one of very general application. There is no fixed rule by which it can be determined in a given case whether the neglect is excusable and each case depends on its own particular facts and circumstances.

First Nat. Bank v. Stillwell (1911), 50 Ind. App. 226, 230, 231;

Masten v. Indiana Car etc. Co. (1900), 25 Ind. App. 175, 181.

All doubts are resolved in favor of the application.

First Nat. Bank v. Stillwell (1911), 50 Ind. App. 226, 232;

Masten v. Indiana Car etc. Co. (1900), 25 Ind. App. 175, 187.